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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 EDGAR ZAVALA, ) CASE NO. SA CV 12-1002-DSF (PJW)  
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12 ) Petitioner, )  
13 ) v. ) ORDER ACCEPTING FINAL REPORT AND  
14 ) RALPH DIAZ, WARDEN, ) RECOMMENDATION OF UNITED STATES  
15 ) ) MAGISTRATE JUDGE AND DENYING  
16 ) ) CERTIFICATE OF APPEALABILITY  
17 ) Respondent. )  
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the  
17 Petition, records on file, and the Final Report and Recommendation of  
18 the United States Magistrate Judge. Further, the Court has engaged in  
19 a *de novo* review of those portions of the Report to which Petitioner  
20 has objected. The Court accepts the findings and recommendation of  
21 the Magistrate Judge.

22 Further, for the reasons stated in the Final Report and  
23 Recommendation, the Court finds that Petitioner has not made a  
24 substantial showing of the denial of a constitutional right or that  
25 the court erred in its procedural ruling and, therefore, a certificate  
26 of appealability is denied. See 28 U.S.C. § 2253(c)(2); Fed. R. App.  
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1 P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v.*  
2 *McDaniel*, 529 U.S. 473, 484 (2000).

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4 DATED: \_\_\_\_\_.

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8 DALE S. FISCHER  
9 UNITED STATES DISTRICT JUDGE  
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